

FILED

DEC 30 1999

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

TIMOTHY R. WALKERIDGE, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

James Darrell McKinney, SSN: 511 64 3272)
Tammy Gail McKinney, SSN: 232 13 1258)
Debtors)

Case No: 99-02523-R
Chapter 7

COMMERCE BANK OF KANSAS CITY, N.A.)
Plaintiff)

Adversary Case: 99-0231-R ✓

vs.)

James D. McKinney & Tammy G. McKinney)
Defendants)

AGREED ORDER AND JOURNAL ENTRY JUDGMENT

Comes now the above styled adversary, and the Court finds as follows:

1. The plaintiff Commerce Bank of Kansas City, NA, by and through its counsel, Tracy W. Robinett, and defendants James D. McKinney and Tammy G. McKinney, by and through their counsel, Thomas O. Matthews, have agreed to the following findings, orders and judgment as evidenced by their approval signatures appearing at the end of this document.

2. This Court has jurisdiction over the parties and subject matter. The subject matter is a core proceeding.

3. The parties stipulate that the defendants' obligation to plaintiff is an exception to discharge under 11 USC Section 523(a)(2). The parties stipulate that judgment should be entered jointly and severally against defendants in the sum of \$4,428.75, plus attorney fees in the sum of \$1,000.00, court costs in the sum of \$150.00 and interest accrued and accruing on the principal balance at the rate of 13.65 percent per annum from April 30, 1999.

4. The parties further stipulate they have agreed that said plaintiff shall not execute said judgment as long as defendants make a monthly payment to plaintiff in the amount of \$100.00 per

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Clerk, U.S. Bankruptcy Court
Northern District of Oklahoma

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month, due by the 1st of each month, first payment due February 1, 2000, until the sum of \$3,000.00 plus interest at the rate of 13.65 percent (per annum) from February 1, 2000, is paid in full. (This will be accomplished by 36 payments of \$100.00 and a final payment of \$90.39). Once said \$3,000.00 plus interest is paid in full, the judgment shall be deemed satisfied in full. Any failure to make a payment on time which is not cured within 15 days of the due date of said payment shall be a default under this agreement, and upon any such default the total judgment shall be due and payable immediately, plaintiff may execute on said total judgment without further notice or order of this Court, and said creditor may take any other lawful collection action

WHEREFORE, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

IT IS ORDERED that all findings, stipulations and agreements set forth above are made the FINDINGS of this Court.


IT IS FURTHER ORDERED that the obligation of defendants to plaintiff is an exception to discharge under 11 USC Section 523(a)(2).

IT IS FURTHER ORDERED that JUDGMENT is hereby made in favor of plaintiff against defendants James D. McKinney and Tammy G. McKinney jointly and severally in the sum of \$4,428.75, plus attorney fees in the sum of \$1,000.00, court costs in the sum of \$150.00 and interest accrued and accruing on the principal balance at the rate of 13.65 percent per annum from April 30, 1999.

IT IS FURTHER ORDERED that plaintiff is stayed from executing the judgment in accordance with the agreement set forth in paragraph 4 above, but that upon the defendants' default under said agreement, plaintiff may, without further order of this court, execute upon the total judgment in this case or take other lawful collection action. Upon the defendants'

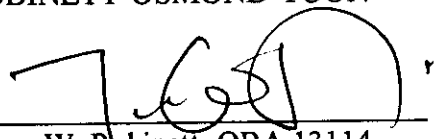
successful accomplishment of the agreement set forth in paragraph 4 above, and upon written request of defendants to plaintiff, plaintiff shall provide to defendants at no cost an unfiled written release of the judgment in this case, which defendants may file in this case at defendants' expense.

SO ORDERED THIS 30 DAY OF December, ^{1999.}~~2000~~

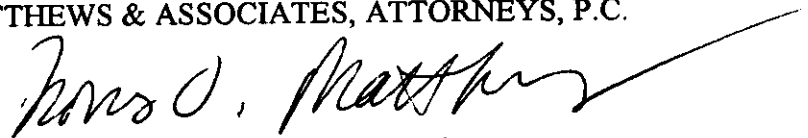

DANA L. RASURE, Judge
United States Bankruptcy Court

Reviewed prior to submission to Court, by:

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